

### **III. REMARKS**

1. The claims are amended to address the claim objection. Specifically, the dependent claims are amended to start with the word "The" instead of the article "A".
2. Claim 1 is amended to address the rejection under 35 U.S.C. §112, second paragraph.
3. Claims 1-21 are directed to statutory subject matter pursuant to 35 U.S.C. §101.

Claim 1 recites that the system is embodied on a "computer readable medium." The Examiner states that the subject of the claims are "at best, functional descriptive material *per se*." (Page 3, section 7, first paragraph, of Office Action mailed March 20, 2008). The Examiner correctly notes that when "functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." (see page 3, section 7, second paragraph of Office Action mailed March 20, 2008.) Thus, as claim 1 recites that the "system" is embodied on a "computer readable medium", it is submitted that, at least for this reason, the claim is directed to statutory subject matter.

It is also noted that claim 20 recites that the multiple platforms comprise document processing apparatus. Document processing apparatuses are clearly physical articles and qualify as statutory subject matter.

Claim 3 recites, in the preamble, that the collected attribute data is displayed for managing the attribute data in the multiple platform architecture. The last paragraph of the claim is amended to include this same recitation to relate the preamble to the limitations. The steps recited in claim 3 are clearly a series of steps to be performed to

achieve a useful, concrete and tangible result of managing attribute data in a multiple platform architecture.

It is also noted that the "claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a 'useful, concrete and tangible result.' *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373-74, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998). The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966); *In re Fisher*, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); *In re Ziegler*, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). (See MPEP §2106, IIA.) Applicant clearly describes the practical application for the claimed subject matter in the specification and the claims. Thus, the claims are clearly directed to a "useful", "tangible" and "concrete" result, and fall within the category of statutory subject matter. (see e.g. MPEP §2106 IV.C.2.(2)).

Claim 12 is amended to recite that the software copyright information managing system embodied on a computer readable medium. As noted earlier, even if the claim language is functional descriptive material as alleged by the Examiner, functional descriptive material recorded on a computer-readable medium, becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Thus, the subject matter of claim 12 falls within the classes of statutory subject matter.

Claim 12 also recites a software copyright information managing "**system**" for managing software copyright data in a multiple platform electronic architecture. The system includes a "**system controller**" for collecting the software copyright data from multiple platforms and a "**user interface**" connected to the system controller for displaying the software copyright data from **the "memory"** to a user. A "**controller**"

is a physical article. A “**user interface**” is a physical article. A “**memory**” is a physical article. While the claim recites that the memory has a specific function, this cannot lead to the conclusion that the claim is directed to nonfunctional descriptive material. The claim clearly recites the combination of these three articles, and how they are interconnected. At the very least these claimed features can be considered “articles of manufacture”, and clearly fall within the plain meaning of statutory subject matter defined by 35 U.S.C. §101.

Claim 13 recites a “memory” for storing. A “memory” is considered an article of manufacture within the meaning of 35 U.S.C. §101.

Claim 14 recites a specific type of memory for storing certain types of data. Again, the type of memory is within the meaning of 35 U.S.C. §101 and is not considered non-statutory.

Therefore, it is respectfully submitted that claims 12-14 are directed to statutory subject matter and do not fall into any of the exclusions encompassed by 35 U.S.C. §101.

2. Claims 1-2 are not anticipated by Fujiwara under 35 USC §102(e). In order for a reference to anticipate a claim, each and every feature recited in the claim must be explicitly found in the reference. This is not the case with Fujiwara. Fujiwara merely discloses that copyright data pertaining to the software that is stored on a client 120 is maintained in a registry 355. This is the type of information that is collected, recognized, process and display by Applicant, when such copyright data is collected from “multiple platforms.” Fujiwara is only concerned with the software that is loaded onto a single client, and is not concerned, and is absolutely silent as to collecting attribute data such as copyright data from “multiple platforms” as is recited by Applicant in the claims.

Claim 1 recites that the “copy attribute data” is collected, recognized, processed and displayed. There is no such disclosure in Fujiwara. Fujiwara is directed to a system that

creates a substitute registry when automatically installing an update program. The install modules automatically create unique substitute registries that correspond to the downloaded update programs. (Abstract). A client system 120 downloads selected software programs from network 100. (Col. 5, lines 8-10) A client 120 includes a non-volatile memory 240 that includes client registries 355. (See FIG. 3; Col. 5, lines 24-55). The client registries include relevant information related to the various software programs and modules residing on client 120. (Col. 6, lines 25-31). The client registries 355 are typically modified to reflect the new updated status of software programs residing on client 120. (Col. 6, lines 53-56). A substitute registry 825 can include miscellaneous information 918. (Col. 9, lines 44-47). The miscellaneous information 918 may include a copyright notice. (Col. 10, lines 3-6)

Although, Fujiwara discloses that the structure and configuration of the individual software programs included in the client registries 355 can be view and accessed by a system user displaying client registries 355 (Col. 6, lines 49-53), Fujiwara does not disclose or suggest a system manager that “collects” copyright data pertaining to software from “multiple platforms”. The “miscellaneous information 918” of Fujiwara is precisely the type of “copyright data pertaining to software” that is collected by the “system manager” recited in claim 1. The client 120 of Fujiwara does not “collect” copyright data from “multiple platforms.” Rather, the client 120 of Fujiwara maintains the registry 355 that includes relevant information related to the various software programs and modules residing on client 120. (Col. 6, lines 25-31). Thus, the client 120 of Fujiwara only has copyright information related to the software stored on that client 120. Applicant’s claims are directed to collecting the copyright information that is stored on a client, such as client 120 of Fujiwara. Thus, claim 1 recites “collecting” copyright data pertaining to software “from multiple platforms.” Client 120 of Fujiwara does not “collect” copyright data. Fujiwara only discloses that a registry 355 is modified, or a substitute registry 825 created, to reflect the new updated status of software programs residing on client 120. (Col. 6, lines 53-56). Client 120 does not “collect” from “multiple

platforms" as claimed by Applicant. Thus, at least this feature is not anticipated by Fujiwara.

There is also no disclosure in Fujiwara related to processing the copyright data into a "list" as is claimed by Applicant. FIG. 9 and Col. 10, lines 3-6 only discloses that the miscellaneous information can include a copyright notice. The fact that the download module 430 preferably performs a comparison procedure between one or more downloaded files 420 listed on the network page 410 and the software programs currently installed on client 120 is not the same as and does not disclose collecting attribute data including copyright data, recognizing the copyright data and processing the copyright data into a list as is claimed by Applicant.

The comparison procedure 604 of Fujiwara referred to by the Examiner, which is described with respect to FIG. 10, is related to comparing the downloaded file and the client software in order to determine whether an update is required. The download module 420 determines whether matching versions of the update program 520 currently exist in both the download file 420 and the client 120. If matching versions of the update program 520 currently exist in both download file 420 and on client 120 then no update procedure is required. (Col. 10, lines 31-41). There is no disclosure here or elsewhere related to disclose collecting attribute data including copyright data, recognizing the copyright data and processing the copyright data into a list as is claimed by Applicant.

Claim 1 also recites that the selected attribute data in the "list" is displayed to the user. There is no such disclosure in Fujiwara. All that is disclosed in Fujiwara is that details of the individual software programs included in client registries 355 can be viewed and accessed. This is not the same as the "list" of "copyright data" that is collected recognized and processed as claimed by Applicant.

Since each and every element of claim 1 is not explicitly found in Fujiwara, claim one cannot be anticipated. Claims 2 and 16-20 should be allowable at least by reason of their respective dependencies.

3. Claims 3-21 are not unpatentable over Fujiwara in view of Schwarz, Jr. under 35 USC §103(a). The combination of Fujiwara and Schwarz, Jr. does not disclose or suggest each element recited by Applicant in the claims, there is no motivation to combine the references and the references are non-analogous art.

The combination of Schwarz with Fujiwara does disclose or suggest each feature of Applicant's claimed invention. Claim 1 recites collecting attribute data including copyright data pertaining to software from multiple platforms. Schwarz merely discloses polling available printer devices for availability and current work load. (Col. 6, lines 1-3). There is no disclosure of "**collecting**" attribute data including copyright data pertaining to software from multiple platforms. Thus, at least this feature claimed by Applicant is not disclosed or suggested.

Claim 1 also recites a user interface connected to the system manager for displaying the collected attribute data in the list of copyright data to a user. Fujiwara does not disclose or suggest collecting attribute data or displaying "collected" attribute data. Fujiwara merely retains information related to software programs and updates on the client 120. There is no disclosure of "collecting" attribute data in a manner as is claimed by Applicant. Combining Fujiwara with Schwarz, Jr. does not overcome at least this deficiency. Schwarz, Jr. merely references a user interface for the "distribution of information to a receiver on a network." (Col. 3, lines 19-21). This is not the same as what is claimed by Applicant.

Schwarz, Jr. is directed to sending a job ticket from a client to a print server. The print server determines a printer for the job and sends a "token" back to the client that includes the network address and name of the printer. The client can then send the

print job directly to the assigned printer. (Abstract, lines 1-8). Nothing in this is similar to “polling” platforms for attribute data, “collecting” the attribute data and “displaying” the collected data on a user display as claimed by Applicant. The fact that Schwarz Jr polls the available printer devices for availability and current work load is not the same as collecting” attribute data in a manner as is claimed by Applicant.

The Examiner states that Schwarz may be relied upon because Schwarz’s teachings would have allowed Fujiwara’s method to minimize network loads, while providing central printer control. This is specious at best.

Fujiwara is directed to creating a substitute registry when automatically installing an update program. Schwartz Jr. is directed to determining and selecting an appropriate printer for a print job. Fujiwara is not looking to print the substitute registry when automatically installing an update program. Thus, Schwarz , Jr.’s teaching have no relationship or bearing on Fujiwara.

Applicant’s claimed invention is directed to “managing attribute data” in a “multiple platform architecture”. As recited in claim 1, attribute data is collected, copyright data is recognized and the copyright data is processed. Schwarz, Jr. is directed to determining and selecting an appropriate printer for a print job. This is not directed toward Applicant’s claimed invention and is not analogous to the claims. Schwarz, Jr., in Col. 6, lines 42-46, states that in the system 10, the print jobs 17 are not transferred through the print server 14. This allows the print server 14 to be used for a large number of clients 12 and printers 20. This is not the same as, or similar to what is being claimed by Applicant.

Thus, Applicant respectfully submits that there is no motivation as required under 35 U.S.C. §103(a) to combine Schwarz, Jr. with Fujiwara . In formulating a rejection under 35 U.S.C. §103(a) based upon a combination of prior art elements, “it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the

prior art elements in the manner claimed.” (quoting from USPTO memorandum dated May 3, 2007 on the Supreme Court decision on *KSR Int'l Co., v. Teleflex, Inc.*) The Examiner states that it would have been obvious to combine the references because “Schwarz’s teaching would have allowed Fujiwara’s method to minimize network loads, while providing central printer control.” However, it is respectfully submitted that Fujiwara has nothing to do with minimizing network loads while providing central printer control, and this reason to combine references does not have any similarity or relationship to the subject matter to which Applicant’s claims are directed. Applicant’s claims are directed to “managing attribute data” in a “multiple platform architecture by “polling” platforms for attribute data, collecting the attribute data and displaying the collected attribute data on a user display. Schwarz, Jr. is directed to sending a job ticket from a client to a print server. The print server determines a printer for the job and sends a “token” back to the client that includes the network address and name of the printer. The client can then send the print job directly to the assigned printer. (Abstract, lines 1-8). Nothing in this is similar to “polling” platforms for attribute data, “collecting” the attribute data and “displaying” the collected data on a user display as claimed by Applicant. Fujiwara does not disclose or suggest these feature for the reasons state earlier. Thus, the conclusion by the Examiner that Schwarz, Jr. uses a central server connected to clients where clients have processors so they can print is not pertinent to the problem addressed by Applicant, which is the collection of attribute data, and does not and cannot serve as “motivation” for purposes of 35 U.S.C. §103(a). Thus, Schwarz, Jr. in not analogous art and cannot be combined with Fujiwara for purposes of 35 U.S.C. §103(a).

Furthermore, Fujiwara is directed to creating a substitute registry when performing software updates. Schwarz, Jr. is directed to sending a job ticket from a client to a print server. It is respectfully submitted that there is no reason why one would look from a software update system to a system that selects a printer for a client as in Schwarz, in order to achieve the invention claimed by Applicant. Providing “central printer control” is not such motivation with respect to the invention claimed by Applicant. Thus, it is

respectfully submitted that there is no legal motivation to combine the references as required for purposes of 35 U.S.C. 103(a).

Thus, the features of claim 1 cannot be and are not disclosed or suggested by the proposed combination of Fujiwara and Schwartz. The features of independent claims 3 and 12 are similarly not disclosed or suggested. The dependent claims should be allowable at least by reasons of their respective dependencies.

Claim 2 recites that the system manager comprises memory for “storing” attribute data “collected” by the system manager. The combination of Fujiwara and Schwartz does not disclose or suggest collecting attribute data or storing the collected attribute data.

Claim 3 recites a method for managing attribute data in a multiple platform architecture. The method includes polling at least two platforms for attribute data; collecting the attribute data from the at least two platforms in response to the step of polling; and displaying the collected attribute data on a user display. The combination of Fujiwara and Schwarz, Jr. does not disclose or suggest these claimed features. Schwarz, Jr. does not disclose polling and collecting attribute data, and then displaying the collected attribute data. In Schwarz, Jr. the server 14 determines that a printer is available. (Col. 5, line 67-Col. 6, line 1. The server 14 can then send a token to the requesting client. (Col. 6, lines 3-5). There is no disclosure in Schwarz, Jr. related to collecting and storing attribute information as claimed by Applicant. Schwarz, Jr. merely polls available print devices and determines if there is a compatible device online. This is not what is claimed by Applicant. The combination of Schwarz, Jr. with Fujiwara does not overcome the above noted deficiencies.

Thus, as noted above, Schwarz, Jr. cannot be combined with Fujiwara for purposes of 35 U.S.C. §103(a) and the combination of references does not disclose or suggest each element recited in the claims. Therefore, a *prima facie* case of obviousness cannot be

established. Claim 12 is not unpatentable for similar reasons. Claims 4-11 and 13-21 are also not unpatentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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